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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,828	03/22/2004	Scott W. Petrick	GE.0005	1480
41963	7590	03/21/2007		
RAMIREZ & SMITH PO BOX 2843 SPOKANE, WA 99220-2843			EXAMINER ARTMAN, THOMAS R	
			ART UNIT 2882	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/21/2007	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/805,828

Applicant(s)

PETRICK ET AL.

Examiner

Thomas R. Artman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14, 17-22, 25-31, 34 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9-14, 17-22, 25-31, 34 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsujii (US 7,079,189 B2).

Regarding claims 1, 9, 17 and 26, Tsujii discloses an apparatus and method of regulating the operation of a digital radiography detector (Abstract; Figs.4 and 7; col.3, line 15 through col.4, line 23), including:

- a) detecting a first triggering event 601,
- b) acquiring environmental condition data from the digital radiography detector (col.10 line 65 through col.11, line 3),
- c) automatically changing the operating state of the digital radiography detector based upon the first triggering event (col.9, lines 18-19; phase 1 to phase 2),

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d) determining a variable time interval triggering event 603 from the changed operating state of the detector and acquired environmental condition data (col.10, line 65 through col.11, line 3), and

e) detecting a second triggering event 602, and

f) automatically changing the operating state of the digital radiography detector at the occurrence of either the second triggering event (col.9, lines 19-21) or the determined variable time interval triggering event (col.9, line 57 through col.10, line 9; phase 2 to phase 3).

With respect to claims 2, 10, 18, and 27, Tsujii further discloses that the operating states are one of an off state, a standby state and an on state (col.9, lines 18-21; phases 1-3).

With respect to claims 3, 11, 19, and 28, Tsujii further discloses that the on state causes an increase in internal temperature, voltage consumption and power consumption relative to an off state and a standby state (col.9, line 18-21; phase 3), that the standby state causes an increase in internal temperature, voltage consumption and power consumption relative to an off state (col.9, line 18-21; phase 2), and that a change from the on state to a standby state causes a decrease in internal temperature, voltage consumption and power consumption relative to an off state and a standby state (col.9, lines 18-21; col.10, lines 35-37; phase 4).

With respect to claims 4, 12, 20 and 29, Tsujii further discloses that the environmental condition data is either an error status, operating state, or diagnostic data (col.10, line 65 through col.11, line 3).

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With respect to claims 5, 13, 21 and 30, Tsujii further discloses that the variable time interval triggering event substantially begins when the first triggering event is detected (col.9, lines 57-60).

With respect to claims 6, 14, 22 and 31, Tsujii further discloses that the end of the variable time interval triggering event is based upon operating state of the digital radiography detector and the environmental condition data (col.10, lines 1-5 and line 65 through col.11, line 3).

With respect to claim 34, Tsujii further discloses that the receiver, device for changing and the determiner are part of a computer (Fig.4).

Regarding claim 25, Tsujii discloses the claimed method as stated in the rejections of the above claims 1-3.

Regarding claim 57, Tsujii discloses the claimed method as stated in the rejections of the above claims 1-3.

Allowable Subject Matter

Claims 7, 8, 15, 16, 23, 24, 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither teaches nor reasonably suggests the additional limitation where the determined time interval triggering event is substantially zero when an internal temperature exceeds a preselected level and a battery capacity is below a preselected level, as required by each of the above claims.

Response to Arguments

Applicants' arguments with respect to the 35 USC 101 rejections and 112 2nd paragraph rejections have been fully considered and are persuasive. The present amendments to the claims overcome those rejections.

Applicant's arguments with respect to the 35 USC 102(e) rejections over Tsujii have been fully considered but they are not persuasive. Applicants argue that Tsujii does not anticipate the claimed invention for three reasons: 1) Tsujii does not disclose three triggering events, 2) Tsujii does not disclose a variable time interval trigger, and 3) Tsujii does not disclose acquisition of environmental condition data, specifically temperature. The examiner respectfully disagrees upon all three points.

First, Tsujii discloses three triggering events as outputs from items 601, 602 and 603 as explained in col.8, line 54 through col.10, line 9. The specific embodiment relies upon col.9, line 57 through col.10, line 9. Switch 601 is controlled by the operator, and switches 602 and 603 operate based upon conditions internal to the system. Therefore, there are three triggers.

Second, Tsujii discloses a variable time interval trigger. Switch 603 is disclosed as being fixed in the above-cited passage. However, Tsujii specifically discloses, in an alternative embodiment, that 603 can be varied (adaptively determined) depending upon data acquired from the sensor (col.10, line 65 through col.11, line 3). Therefore, one of the triggers is variable.

Third, Applicants appear to be unnecessarily limiting the term “environmental condition data” by relying upon citations of the specification of either temperature and/or battery capacity. Dependent claims 4, 12, 20 and 29 define what the “environmental condition data” can be, and that data is not limited to the argued data. The claims define other possibilities, including “error status,” “operating state,” and “diagnostic data.” The detector offset data that is acquired by Tsujii to determine the variable timing of trigger 603 (col.10, line 65 through col.11, line 3) can fall under any one of those three categories as is known to the skilled artisan. Therefore, the variable trigger is determined based upon environmental condition data as claimed.

Furthermore, it is known to the skilled artisan that the offset data acquired by Tsujii is at least partly a direct function of temperature, both internal to the sensor and ambient around the sensor. Tsujii recognizes the importance of temperature regulation, and it’s obvious and direct

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relationship to power consumption, in col.3, line 15 through col.4, line 23; specifically col.3, line 62 through col.4, line 8. In this passage, Tsujii states that the longevity of the flat panel sensor can be improved by control of the “off,” “standby” and “on” states of the sensor, and specifically that the regulation can be better performed by real-time data collected from the sensor.

Further still, the examiner agrees with Applicants that Tsujii does not explicitly measure internal temperature and battery capacity and reduce the variable trigger time to zero based upon specific conditions of those measured data being exceeded. The previously-indicated allowable subject matter has been repeated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Artman whose telephone number is (571) 272-2485. The examiner can normally be reached on 9am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas R. Artman
Patent Examiner



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER